Officer-Involved Shooting

310.1 PURPOSE AND SCOPE
This policy is to establish procedures for the investigation of incidents in which a police officer discharges his/her firearm during the course and scope of employment.

The foregoing policy is general in nature and shall not preclude alternative investigative options by mutual agreement.

310.1.1 OIS DEFINITIONS
ON-DUTY: On-duty refers to the working hours during which an officer is on salary and engaged in activities pursuing the objectives of the employing agency.

OFF-DUTY: Off-duty refers to the non-working hours during which an officer is not on salary or actively pursuing the objectives of the employing agency.

310.2 INVESTIGATION RESPONSIBILITY
This department conforms to the following OIS protocol for investigating officer-involved shootings.

310.3 TYPES OF INVESTIGATIONS
Officer-involved shootings involve two separate investigations, including:

(a) Criminal: Investigations of criminal culpability will be facilitated by the agency having jurisdiction where the incident occurred;

(b) Administrative: Investigations conducted by the involved officer's agency to evaluate Department policy and procedures;

(c) (Evaluations regarding potential City liability may be conducted by the involved officer's jurisdiction, as deemed necessary.)

310.4 JURISDICTION
Jurisdiction is determined by the location of the shooting and the agency employing the involved officer(s). The following scenarios outline the jurisdictional responsibilities for investigating officer-involved shootings:

310.4.1 PASADENA POLICE OFFICER WITHIN THIS JURISDICTION
The Pasadena Police Department is responsible for the completion of criminal and administrative investigations related to officer involved shooting within their jurisdiction. The Department will relinquish the responsibility of criminal investigations to the Los Angeles County Sheriff’s Department (LASD) for incidents resulting in injury or death. This decision is the responsibility of the Chief of Police, or his/her designee.
310.4.2 OUTSIDE AGENCY’S OFFICER OR DEPUTIES WITHIN THIS JURISDICTION
The criminal investigation of the officer involved shooting will be conducted by the Pasadena Police Department, or the Los Angeles County Sheriff's, and the District Attorney's Office. The officer's or deputy's employing agency will be responsible for any administrative investigation. The Pasadena Police Department shall request a liaison from the involved outside agency to assist in coordinating investigative efforts.

310.4.3 PASADENA POLICE OFFICER IN ANOTHER JURISDICTION
The agency where the incident occurred has criminal jurisdiction and is responsible for the criminal investigation of the incident. That agency may relinquish its criminal investigation of the incident to another agency. The Pasadena Police Department will conduct a comprehensive and timely administrative investigation and risk management analysis.

310.4.4 INVESTIGATION RESPONSIBILITY MATRIX
The following table identifies the possible scenarios and responsibilities for the investigation of officer-involved shootings:

<table>
<thead>
<tr>
<th>Scenario</th>
<th>Criminal Investigation of Suspect(s)</th>
<th>Criminal Investigation of Officer(s)</th>
<th>Civil Investigation</th>
<th>Administrative Investigation</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>PPD Officer in This Jurisdiction</strong></td>
<td>PPD Investigators</td>
<td>PPD Investigators</td>
<td>PPD Professional Standards Unit</td>
<td>PPD Professional Standards Unit</td>
</tr>
<tr>
<td><strong>Outside Agency's Officer in This Jurisdiction</strong></td>
<td>PPD Investigators</td>
<td>PPD Investigators</td>
<td>Involved Officer's Department</td>
<td>Involved Officer's Department</td>
</tr>
<tr>
<td><strong>PPD Officer in Another Jurisdiction</strong></td>
<td>Agency where incident occurred</td>
<td>Decision made by agency where incident occurred</td>
<td>PPD Professional Standards Unit</td>
<td>PPD Professional Standards Unit</td>
</tr>
</tbody>
</table>

310.5 THE INVESTIGATION PROCESS
The following procedures are guidelines used in the investigation of an officer-involved shooting.

310.5.1 WATCH COMMANDER DUTIES
Upon learning of an officer-involved shooting, the Watch Commander shall respond to the scene and assume command as incident commander and coordinate all aspects of the incident. The Watch Commander shall notify dispatch that he/she has taken command of the incident and initiate the incident command system for crime scene management.

310.5.2 NOTIFICATIONS
(a) The following person(s) shall be coordinated by the Watch Commander:

1. Chief of Police
2. Criminal Investigations Division Commander
3. District Attorney OIS rollout team
4. Professional Standards Unit supervisor
5. Civil Liability Response Team
6. Psychological/Peer support personnel
7. Coroner (if necessary)
8. Officer representative (if requested)
9. City Attorney

(b) All outside inquiries about the incident shall be directed to the Watch Commander until a press information officer is designated.

310.5.3 MEDIA RELATIONS
(a) A single press release shall be prepared with input and concurrence from the CID lieutenant and agency representative responsible for each phase of the investigation. This release will be available to the Watch Commander, Criminal Investigations Division Commander and Public Information Officer in the event of inquiries from the media.

(b) Moreover, no involved officer shall be subjected to contact from the media (Government Code § 3303(e)) and no involved officer shall make any comments to the press unless authorized by the Chief of Police.

(c) Generally, in most incidents, the Department will make every effort to shield the involved officer(s) from the media. However, depending on the totality of the circumstances, it may be necessary for the Department to release the names of the involved officer(s). If the names of the involved officer(s) are released to the media, it must be balanced between the best interest of the Department, the involved officer(s) and the public.

(d) Law enforcement officials receiving inquiries regarding incidents occurring in other agency jurisdictions shall refrain from public comment and will direct those inquiries to the agency having jurisdiction and primary responsibility for the investigation.

310.6 THE SHOOTING INCIDENT CRIMINAL INVESTIGATION
310.6.1 DETECTIVE PERSONNEL
Once notified of an officer-involved shooting, it shall be the responsibility of the Detective Section supervisor to assign appropriate detective personnel to handle the investigation of related crimes. Detectives will be assigned to work with investigators from the District Attorney’s Office and may be assigned to separately handle the investigation of any related crimes not being investigated by the District Attorney’s Office.

All related departmental reports except administrative and/or privileged reports will be forwarded to the designated detective supervisor for approval. Privileged reports shall be maintained
exclusively by those personnel authorized such access. Administrative reports will be forwarded to the appropriate Division Commander.

310.6.2 CRIMINAL INVESTIGATION

(a) It shall be the policy of this department to notify the District Attorney’s Office to conduct an independent criminal investigation into the circumstances of any officer-involved shooting involving injury or death.

310.6.3 WITNESS IDENTIFICATION AND INTERVIEWS

Because potential witnesses to an officer-involved shooting or other major incident may become unavailable, or the integrity of their statements compromised with the passage of time, a supervisor should take reasonable steps to promptly coordinate with criminal investigators to utilize available personnel for the following:

(a) Identify all persons present at the scene and in the immediate area.
   (a) A recorded statement should be obtained from those persons who claim not to have witnessed the incident but who were present at the time it occurred.
   (b) Any potential witness who is unwilling or unable to remain on scene for a formal interview should not be detained absent reasonable suspicion to detain or probable cause to arrest. Officers should attempt to identify the witness prior to his/her departure without detaining him/her for the sole purpose of obtaining identification and statements.

(b) Witnesses who are willing to provide a formal interview should be asked to meet at a suitable location where criminal investigators may obtain a recorded statement. Such witnesses, if willing, may be transported by department personnel.
   (a) A written, verbal or recorded statement of consent should be obtained prior to transporting a witness in a department vehicle. When the witness is a minor, consent should be obtained from the parent or guardian, if available, prior to transportation.
   (c) Assign available personnel to promptly contact the suspect’s family and associates to obtain any available and untainted background information about the suspect’s activities and state of mind prior to contact with officers.
   (d) Unless circumstances prevent otherwise, investigative interviews should be conducted face-to-face. In those circumstances when a face-to-face interview is impractical or cannot be conducted in person, such circumstances shall be documented in the investigative report.

310.7 ADMINISTRATIVE INVESTIGATION

In addition to all other investigations associated with an officer-involved shooting or death, this department will conduct an internal administrative investigation of members to determine conformance with department policy and training. As part of this investigation, the Administrative Services Lieutenant and Training Sergeant may respond to all officer-involved shootings where there is injury or death. The investigation will be conducted under the supervision of the Professional Standards Unit and will be considered a confidential officer personnel file.
Interviews of members shall be subject to department policies and applicable laws (see the Personnel Complaints Policy 1020).

(a) Any officer involved in a shooting or death may be requested or administratively compelled to provide a blood sample for alcohol/drug screening. Absent consent from the officer, such compelled samples and the results of any such testing shall not be disclosed to any criminal investigative agency.

(b) If any officer has voluntarily elected to provide a statement to criminal investigators, the assigned administrative investigator should review that statement before proceeding with any further interview of that involved officer.

1. If a further interview of the officer is deemed necessary to determine policy compliance, care should be taken to limit the inquiry to new areas with minimal, if any, duplication of questions addressed in the voluntary statement. The involved officer shall be provided with a copy of his/her prior statement before proceeding with any subsequent interviews.

(c) In the event that an involved officer has elected to not provide criminal investigators with a voluntary statement, the assigned administrative investigator shall conduct an administrative interview to determine all relevant information.

1. Although this interview should not be unreasonably delayed, care should be taken to ensure that the officer’s physical and psychological needs have been addressed before commencing the interview.

2. If requested, the officer shall have the opportunity to select an uninvolved representative to be present during the interview. However, in order to maintain the integrity of each individual officer’s statement, involved officers shall not consult or meet with a representative or attorney collectively or in groups prior to being interviewed (Government Code § 3303(i)).

3. Administrative interviews should be recorded by the investigator. The officer may also record the interview (Government Code § 3303(g)).

4. The officer shall be informed of the nature of the investigation. If an officer refuses to answer questions, he/she should be given his/her Lybarger or Garrity rights and ordered to provide full and truthful answers to all questions. The officer shall be informed that the interview will be for administrative purposes only and that the statement cannot be used criminally.

5. The Professional Standards Unit shall compile all relevant information and reports necessary for the Department to determine compliance with applicable policies.

6. Regardless of whether the use of force is an issue in the case, the completed administrative investigation shall be submitted to the Use of Force Review Board,
which will restrict its findings as to whether there was compliance with the Use of Force Policy.

7. Any other indications of potential policy violations shall be determined in accordance with standard disciplinary procedures.

310.8 AUDIO AND VIDEO RECORDINGS
Any officer involved in an incident may be permitted to review available Mobile Audio Video (MAV) or other video or audio recordings prior to providing a recorded statement or completing reports.

Upon request, non-law enforcement witnesses who are able to verify their presence and their ability to contemporaneously perceive events at the scene of an incident may also be permitted to review available MAV or other video or audio recordings with approval of assigned investigators or a supervisor.

Any MAV and other known video or audio recordings of an incident should not be publicly released during an ongoing investigation without consulting the District Attorney or City Attorney’s Office as appropriate.

310.9 DEATHS RESULTING FROM OTHER USE OF FORCE
When a person dies as a result of an employee’s use of force other than a firearm, the OIS protocol set forth in this policy will be followed. If there is no firearm involved, the responding supervisor will omit public safety questions a, b, and i of section 310.1.1.

310.10 REFERENCE
See PPD Procedure Manual section 310p and the OIS Protocol Agreement.